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costs of producing this material, and it would depend, I suspect, on whether it was hard copy or floppy or by what method the copy would be made, but my concern is how do you determine the actual cost? I mean...

SENATOR BRASHEAR: Senator Vrtiska, you...that is not specified in the bill, as I explained on General File, and I'm not saying that because you shouldn't ask the question. I just wanted to say we haven't run from this issue. It is...the bill requires that it be reasonably calculated and puts the burden on the custodian to do so. And as I...I have explained it to people, there is certainly...what that does is put the requirement on the official that they be fair and reasonable. How would you test fair and reasonable? Well, you test fair and reasonable, for instance, in the marketplace. If Kinko's is doing it for 6 cents, and I don't know that that's the price, but if they are doing it, if it can be done commercially for 6 cents and the official wants \$1.50, they might have to defend it. If a commercial provider would do it for 6 cents, and the official wants 8, somebody is probably going to be hard-pressed to prove that's not reasonably calculated. So it's the reasonable test, reasonableness test that we often use in the law, and the custodian has to establish it and defend it. The requester, if they want to challenge it, has to prove that it's not correct.

SENATOR VRTISKA: Well, I appreciate that. The other...I only brought this up simply because in the commercial field, they're obviously working for a profit in order to pay for their equipment. At the level of the county, the county clerk is hired or is elected by the county and so I am...I was trying to determine how you figure the profitability into this in the two, for the comparison.

SENATOR BRASHEAR: And there is no profitability in this. We are talking wholesale. We are talking the reasonable actual cost...

SENATOR VRTISKA: Okay, well,...

SENATOR BRASHEAR: ...to provide the record which is built into the concept that this is the public record. The public is already paying the official to be there with the staff